

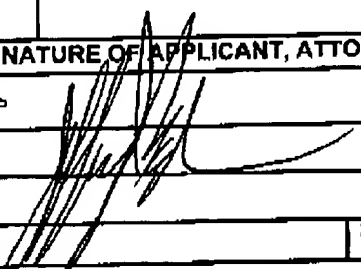
PTO/SB/21 (09-04)

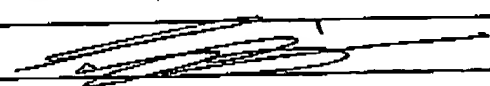
Approved for use through 07/31/2008. OMB 0851-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	09/772,337	RECEIVED CENTRAL FAX CENTER DEC 29 2004
	Filing Date	January 29, 2001	
	First Named Inventor	Glenn Ricart	
	Art Unit	2188	
	Examiner Name	BRAGDON, REGINALD GLENWOOD	
Total Number of Pages In This Submission	9	Attorney Docket Number	300/6

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks This is a response in substitute two responses previously submitted on December 23 & 28, 2004.		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm Name	Kaplan & Gilman, LLP	
Signature		
Printed name	Jeffrey I. Kaplan	
Date	December 29, 2004	Reg. No. 34,356

CERTIFICATE OF TRANSMISSION/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:	
Signature	
Typed or printed name	Li Zheng
Date	December 29, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

RECEIVED  
CENTRAL FAX CENTER

DEC 29 2004

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Glenn Ricart et al.  
Title of Invention : DATA BACKUP  
Filed : January 29, 2001  
Application No. : 09/772,337  
Examiner : BRAGDON, REGINALD GLENWOOD  
Art Unit : 2188  
Attorney Docket No. : 300/6

Mail Stop AF  
Commissioner for Patents  
P.O.Box 1450  
Alexandria, VA 22313-1450

AMENDMENT

SIR:

This is a response, as a substitute to two responses filed on December 23 and 28, 2004, to the final Office Action dated December 8, 2004, in connection with the above-referenced patent application.

Amendment to the Specification is shown on page 2 of this paper.

Amendments to the claims are reflected in the complete listing of claims which begins on page 3 of this paper.